

VILLAGE OF PEMBERTON

BYLAW No. 797, 2016

A BYLAW TO REGULATE AND GOVERN THE USE OF
PARKS AND PUBLIC SPACES

WHEREAS the *Community Charter* Section 8 (3) authorizes Council to regulate public spaces by Bylaw;

AND WHEREAS Council for the Village of Pemberton is empowered to make rules and regulations governing the management and use of parks and public spaces acquired or held by the Village for its purpose;

AND WHEREAS the general welfare of the community is enhanced by the regulation and use of the Village's parks and public spaces.

NOW THEREFORE the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

1. **Citation**

This Bylaw may be cited for all purposes as "Parks and Public Spaces Use Bylaw No. 797, 2016".

2. **Definitions**

In this Bylaw, the following terms have the following meanings:

"Application" means the application for a Park and Public Space Use permit made in the form(s) established and prescribed by the municipality.

"Beach" means an area adjacent to the shore of a lake, pond, stream or river normally used for swimming and similar aquatic exercises or for sunbathing;

"Cycle" means a device having any number of wheels, which is solely propelled by human power and upon or in which a person may travel;

"Commercial Event" means an event organized by a business for the purpose of profit or gain. Commercial events include, but are not limited to, providing of a professional service, an industrial or commercial undertaking of any nature, commercial filming and any events where tickets are sold for profit. Commercial event organizers must hold a valid Village of Pemberton business licence.

"Highway" includes every highway within the Village of Pemberton and within the meaning of the *Highway Act*; and every road, street, lane, alley and right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the Village of Pemberton for the purpose of providing off-street parking.

"Manager" means the Chief Administrative Officer and his delegates;

"Not-for-Profit Event" means an event organized by a not-for-profit organization, registered society, or person, that does not generate revenue or that generates revenue exclusively to support not-for-profit organization(s) or is generated to sustain the event.

"Permit" means the Park and Public Space Use Permit as established and prescribed and issued by the municipality;

"Person" means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;

"Public Spaces" means a park or parkland, public space, highway or any real property or interest therein within the Village held or used for pleasure, recreation and community uses of the public and includes the land held under any lease of the foreshore and land covered by water granted to the Village by Her Majesty the Queen, and including the forest inside the Village boundary, whether or not the land is identified by signage or any other device;

"Recurring Event" means an event that occurs repeatedly with prescribed activities of an identical nature. Examples of recurring events include, but are not limited to, markets, fundraising events for a specific organization and scheduled training or recreation activities.

"Village" means the Village of Pemberton;

3. Application of Bylaw

The provision of this Bylaw applies to every Park and Public Space within the Village:

- Downtown Barn
- One Mile Lake
- Zurcher Park
- Pioneer Park
- Underhill Park

- Alder Street Park
- Rudy Roszypalek Memorial Park (formerly Airport Park)
- Lot 12 – Pump Track/Skate/BMX Bike
- Frontier Street South (Train Station)
- Frontier Street North (Community Space)
- Tennis Courts (Creekside)
- Village Parking Lots
- Staehli Park
- Village Streets

4. Protection of Plants

No person shall cut, break, remove or in any way destroy or damage any tree, shrub, plant, turf or flower.

5. Damage to Buildings

No person shall damage or deface any building, structure, fence, sign, seat, bench or ornament of any kind and, without limiting the foregoing, no person shall place graffiti on walls, fences or elsewhere on or adjacent to a public space.

6. Walls and Fences

No person shall climb, walk, sit, cycle or skate upon any wall, fence or other structure not intended for that use.

7. Pollution of Public Spaces & Streams

7.1. No person shall foul or pollute any area of water or land, including a ditch, stream storm drain, lake or pond.

7.2. No person shall access or trample the riparian edge of any stream, pond or lake unless that area is designated as an access point.

7.3. No person shall deposit or dump any garbage, glass, crockery, paper, rubbish, litter, wood, waste or other material whether liquid or solid in or on any public space, except in receptacles provided there for such purpose.

7.4. No person shall dispose of waste generated outside a public space by depositing the waste in a waste receptacle or anywhere else inside or on any public space.

8. Protection of Grass

No person shall cross, travel on, use or walk upon any grassed plot or land where signs have been posted forbidding such use.

9. Protection of Animals

No person shall tease, molest, or injure any animal, bird or fish or throw any substance at or near such creatures in such way as to cause them alarm or possible injury, unless permitted under provincial or federal fishing or wildlife regulations.

10. Obstruction of Others

10.1 No person shall obstruct the free use and enjoyment of a public space by any other person.

10.2 No person shall fish or play ball, or any game, or throw any object or thing so as to molest or interfere with or become a nuisance to the general public.

10.3 No person shall hinder, deter or interrupt any person in the exercise of any of his or her duties in charge of any organized recreation or maintenance authorized by the Village.

11. Livestock

No person shall bring in or ride any horses or livestock, except where horseback riding is permitted in areas specifically designated for that purpose.

12. Fires

12.1. No person shall throw any lighted match, cigar, cigarette or similar thing or any burning substance or dispose of it without first extinguishing it.

12.2 No person shall make a fire without obtaining a valid Village of Pemberton Fire Permit.

12.3 No person shall leave a fire unattended.

12.4 No person shall make a fire that exceeds the size of fire prescribed by the Provincial Government.

13. Activities

No person shall undertake of the following activities except in such areas and at such times specifically allotted or designated for that purpose:

- Playing golf or striking a golf ball;
- Shooting an arrow or practicing archery;
- Flying any glider or motor driven model aircraft;
- Launching any power rocket;
- Landing any hang glider, parachute, paraglider, or human carrying kite.

14. Poster

- 14.1 No person shall post, paint or affix any advertisement, bill, poster, picture, matter or thing on any tree, post, pole, building, structure or thing EXCEPT on kiosks or notice boards specifically designated for that purpose. This section shall not apply to material erected or placed by the Manager for the purpose of conveying information on park or recreation matters or controlling activities within public spaces.
- 14.2 No person shall engage in the distribution or delivery of commercial advertising material unless the person has been issued a Park and Public Space Use Permit by the Village that includes those permissions.

15 Vehicles

- 15.1 No person shall ride, drive or lead any animal or drive or propel any cycle or motor vehicle in such a manner as to disturb the enjoyment of any person, or to cause injury or damage to any person, animal or property.
- 15.2 No person shall operate a motor vehicle except on a roadway
- 15.3 No person shall park or stop a motor vehicle except in an area designated for vehicle parking.

16 Dog Restricted Areas

- 16.1 Persons having the custody, care or control of any dog, other than a certified service dog, shall be permitted to bring or have the dog in any park except the following areas:
- a. The main One Mile Lake Park sand beach area between the 1st of May and the 30th day of September in each year;
 - b. Waterfowl nesting sites and streams; and
 - c. Inside any building, washroom or concession.

16.2 Persons having the custody, care or control of a certified service dog or other working dog shall be permitted to bring or have the dog in any park, public space or public facility in a public space.

17 Competitions and Instructions

No person shall conduct private instruction or hold a tournament, competition, exhibition, demonstration or series of games with participant member in excess of 10, or for commercial purposes, in any part of a park unless the person has been issued a Park and Public Space Use Permit by the Village that includes those permissions.

18 Tents

No person shall erect any tent, building, shelter or other structure or works or take up any temporary abode, unless the person has been issued a Park and Public Space Use Permit by the Village that includes those permissions.

19 Loudspeakers

No person shall operate or use any amplifying system or loudspeaker unless the person has been issued a Park and Public Space Use Permit by the Village that includes that permission.

20 Commercial Operations

No person or group shall operate a commercial business or utilize any public spaces for a portion of business except as part of a community event, or as authorized by the Village. This includes, but is not limited to, the sale of any refreshment, goods, article or thing or offer any service for a fee in or on any public space. All such operations must conform to all bylaws of the Village and have a valid Business Licence.

21 Payment of Fees

No person shall use any court, green, ground, lawn or facility unless and until such person, if required by the bylaw, has first obtained a Park and Public Spaces Use Permit and paid to the Village any and all applicable fees and charges (Schedule "A") imposed by the Village for such use.

22 Powers of the Manager

The Manager may from time to time do the following in relation to public spaces:

- a. Authorize a public space or any part of it to be closed to free public use and may grant a Park and Public Spaces Use Permit to any person, club or organization upon payment of the applicable fee;

- b. Temporarily close any public space or part of it for the use of the public if, in his opinion, such closure is necessary to prevent or assist in the prevention of a breach of the peace or threat of it, or other violation of the criminal law;
- c. Temporarily close any portion of a public space to public use for the purposes of construction, maintenance, repairs, removal of hazards, filming, a commercial or not-for-profit event or other reasonable cause;
- d. Temporarily close any portion of a public space to public use in the case of emergency or apprehended emergency including fire hazard or health and safety reasons;
- e. Designate areas for climbing, walking, cycling, skating, games, swimming, boating, landing non-motorized soft winged aircraft and other activities of the public;
- f. Designate areas for motorized vehicle travel and vehicle parking and stopping;
- g. Designate areas at which persons may access streams, ponds and lakes;
- h. Designate areas for the protection of grass and grounds;
- i. Designate areas for horseback riding;
- j. Designate areas for overnight camping;
- k. Designate areas for fire pits and barbecues;
- l. Establish kiosks and notice boards for the posting of notices;
- m. Establish a public space or part of a public space as an off leash area for dogs;
- n. Establish public spaces or parts of public spaces and hours where dogs are restricted;
- o. Establish hours for the daily opening and closing of public spaces;
- p. Issue Park and Public Space Use Permits;
- q. Issue Permits for the sale of goods;
- r. Make incidental rules and regulations not inconsistent with this Bylaw; and
- s. Waive public space use fees for not-for-profit groups, school related activities, and other government events based on guidelines established in the Village of Pemberton Community Enhancement Fund grant-in-aid.

23 Rules and Regulations

No person shall violate any provision of this Bylaw or any parks rule, regulation, or notice of the Village or the Manager.

24 Parks Officials

No person shall obstruct or cause to be obstructed, any official employee, agent or contractor of the Village in the exercise of any of his lawful duties.

25 Inspection

Council hereby authorizes its officers, employees and agents to enter at all reasonable times on any public space property to ascertain whether the requirements of this Bylaw are being met and regulations observed.

26 Offence

26.1 Every person who offends against any provision of the Bylaw, or who suffers or permits any act or thing to be done in contravention or violation of any provision of this Bylaw, or who does any act or thing which violates this Bylaw, shall be deemed to be guilty of an offence against this Bylaw and shall be liable for any reasonable costs for reparation and to the penalties imposed under the Municipal Ticket Information Bylaw, amendments and replacements thereof.

26.2 Every day that the offence continues is deemed to be a separate offence.

27 Captions

The captions in this Bylaw are inserted for convenience of reference only and they are not intended to limit this Bylaw or assist in its interpretation.

28 Interpretations

References in this Bylaw to the singular include the plural and references to the masculine include the feminine or body corporate, where the context so allows.

29 REPEAL

The “Village of Pemberton Park Use Bylaw No. 707, 2012” and “Village of Pemberton Park and Public Spaces Use Permit (Fee Structure Amendment) Bylaw No. 791, 2015” are hereby repealed.

READ A FIRST TIME this 2nd day of February, 2016.

READ A SECOND TIME this 2nd day of February, 2016.

READ A THIRD TIME this 2nd day of February, 2016.

ADOPTED this 16th day of, February, 2016.

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

SCHEDULE A

PARK AND PUBLIC SPACE USE PERMIT FEES

Location	User Category	Permit Fee*	Venue Rental Fee/use*	Security Deposit**	General Liability Insurance required***
Downtown Barn	Non-profit Events:	\$30.00		\$300.00	\$5,000,000.00
	Single Event <i>(may be up to 48 hours as approved by the Manager)</i>		\$100.00		
	<u>Use for Recurring Events:</u>				
	Seasonal <i>(6 consecutive months)</i>	\$300.00			
	Annual <i>(12 month term: January 1st – December 31st)</i>		\$600.00		
	Commercial & Corporate Events	\$75.00	\$500.00	\$1,000.00	
	Commercial Filming & Photography		\$1,000.00		
Village Streets & Parking Lots ****	Non- Profit	\$30.00	N/A	\$300.00	
	Commercial and Corporate Events	\$75.00	\$200/per block	\$1,000.00	

All other Parks and Public Spaces	Non-profit Events:	\$30.00	N/A	\$300.00	
	Commercial & Corporate Events	\$75.00	Rates to be negotiated based on nature of event	\$1,000.00	

Refunds of the permit and rental fees will be permitted for cancellations up to fourteen (14) days prior to booking date with written notification.

Events cancelled with less than 14 days prior to the event or due solely to inclement weather conditions will not receive a refund.

*Venue rental fees do not include 5% GST. GST does not apply to permit fees.

** Security deposits will be refunded by cheque within one month, provided no need for repair or site cleanup is found upon post-event inspection.

*** Village of Pemberton must be named as additional insured. If the organization does not have insurance, Group User Insurance can be obtained through the Village. Note there are some activities are not eligible for the Village's Group User Insurance.

**** A temporary street use permit is required if an event will temporarily obstruct all or a portion of any lane of traffic, parking lane, alley, sidewalk or boulevard.